

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CARDIAC SCIENCE CORPORATION, a Delaware Corporation,	:	Civ. No. 03-1064 (DWF/RLE)
Plaintiff,	:	
v.	:	
:		
KONINKLIJKE PHILIPS ELECTRONICS N.V., a Netherlands Corporation; and	:	
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION, a Delaware	:	
Corporation,	:	
Defendants.	:	
:		

**PLAINTIFF CARDIAC SCIENCE CORP.'S MOTION IN LIMINE NO. 8
(EXCLUDE EXPERT TESTIMONY REGARDING '054 PATENT
THAT IS CONTRARY TO ORDER ON CLAIM CONSTRUCTION)**

Plaintiff Cardiac Science Corp. respectfully moves for the Court to preclude Defendants from offering any evidence at trial, including the opinions of expert Dr. Joseph F. Dyro, that rely on claim constructions for the term “limit circuit” in claims 16 and 18 of United States Patent No. 6,230,054 that are contrary to the Court’s Order on Claim Construction, namely the opinions on page 27 of Dr. Dyro’s Expert Report stating that (a) the “limit circuit,” or a component of the limit circuit, must have an impedance “between 100 and 200 μ H” and (b) that the “limit circuit” is, or must be, part of a protection circuit.

The grounds for this motion are set forth and supported in the accompanying Memorandum of Law, Declarations, arguments of counsel, and all of the other papers and proceedings in this matter.

Respectfully submitted,

DARBY & DARBY P.C.

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By: s/ David K. Tellekson

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